

UNITED STATES COURT OF APPEALS

August 4, 2006

TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

EDWARD A. JIRON,

Plaintiff-Appellant,

v.

COLORADO SUPREME COURT;
COLORADO COURT OF APPEALS
(Judge Webb),

Defendants-Appellees.

No. 05-1453

(D.C. No. 04-Z-2672)

(D. Colo.)

ORDER AND JUDGMENT*

Before **KELLY, McKAY**, and **LUCERO**, Circuit Judges.

After examining the briefs and the appellate record, this panel has determined unanimously that oral argument would not materially assist in the resolution of this appeal. *See* Fed. R. App. P. 34(a)(2). The case is therefore ordered submitted without oral argument.

Mr. Jiron filed a pro se civil rights complaint and sought habeas relief from the district court. The district court construed his filing as claiming disagreement with decisions by the Colorado Court of Appeals, which dismissed his appeal, and

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

the Colorado Supreme Court, which denied certiorari and declined to review his petition.

The district court determined that Mr. Jiron's challenge of state court decisions was barred by the *Rooker-Feldman* doctrine and therefore dismissed his complaint and action for lack of jurisdiction. Order, 3 (D. Colo. Mar. 16, 2005). Mr. Jiron then filed a motion to reconsider the judgment of dismissal, which the district court also denied. Order Denying Motion to Reconsider, 3 (D. Colo. Sept. 2, 2005). Finally, the district court, applying 28 U.S.C. § 1915, denied Mr. Jiron leave to appeal. Order (D. Colo. Oct. 27, 2005). While we have not determined whether the standard of review of an order denying leave to appeal under § 1915 is de novo or abuse of discretion, we would reach the same decision under either standard in this case. *See Plunk v. Givens*, 234 F.3d 1128, 1130 (10th Cir. 2000).

We have carefully reviewed Mr. Jiron's brief, the district court's orders, and the record on appeal, and for substantially similar reasons to the those laid out by the district court in its March 16, 2005, and September 2, 2005, orders, we **AFFIRM** the district court's dismissal of Mr. Jiron's claim and the district court's denial of leave to appeal. We grant Mr. Jiron's motion to proceed in forma pauperis.

Entered for the Court

Monroe G. McKay
Circuit Judge